

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CLEO HUNTER, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

PETRO-LUD, INC.

Defendant.

Case No. 1:24-cv-00181-KES-CDB

ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT ISSUE FOR
PLAINTIFF'S FAILURE TO COMPLY
WITH THE COURT'S ORDERS AND
FAILURE TO FILE MOTION FOR CLASS
CERTIFICATION

FIVE-DAY DEADLINE

Plaintiff Cleo Hunter initiated this action on behalf of himself and a putative class with the filing of a complaint on February 8, 2024. (Doc. 1). On May 6, 2024, the Court issued a scheduling order setting the deadline to file the motion for class certification no later than January 17, 2025. (Doc. 15). Subsequently, the Court denied the parties' stipulation to extend this and other case management deadlines by 90 days. (Doc. 20). Plaintiff has failed to file the motion for class certification by the deadline or otherwise made a filing explaining the delinquency.

The Local Rules, corresponding with Federal Rule of Civil Procedure 11, provide: "Failure of counsel or of a party to comply with ... any order of the Court may be grounds for imposition by the Court of any and all sanctions ... within the inherent power of the Court." Local Rule 110. "District courts have inherent power to control their dockets," and in exercising

1 that power, a court may impose sanctions including dismissal of an action. *Thompson v.*
2 *Housing Authority of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may impose
3 sanctions, including dismissal of an action with prejudice, based on a party's failure to prosecute
4 an action or failure to obey a court order, or failure to comply with local rules. *See, e.g., Ferdik*
5 *v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to prosecute and
6 comply with an order); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)
7 (imposing sanctions for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d
8 1421, 1424 (9th Cir. 1986) (imposing sanctions for failure to prosecute and to comply with local
9 rules).

10 **Conclusion and Order**

11 Based on the foregoing, IT IS HEREBY ORDERED that **within five (5) days of entry of**
12 **this order**, Plaintiff SHALL show cause in writing why sanctions should not be imposed –
13 including striking of class allegations or dismissal of the action – for Plaintiff's failure to comply
14 with the Court's orders and file the motion for class certification.

15 Any failure by Plaintiff to timely respond to and comply with this order will result in
16 imposition of sanctions.

17 IT IS SO ORDERED.

18 Dated: **January 21, 2025**

19 
UNITED STATES MAGISTRATE JUDGE